

REMARKS

This is a full and timely response to the Office Action mailed January 17, 2003 (Paper No. 02). A petition to extend the time for this response to within the second extended month with the required fee accompanies this submission. The present amendment amends claims 1 to 10 and adds new claims 11 to 13 to further clarify a scope of the present invention sought to be patented by the Applicants. Reexamination and reconsideration of the subject matter of amended claims 1 to 10 and newly-added claims 11 to 13 are requested.

Priority Acknowledgement

It is noted with appreciation that the foreign priority claim and its certified copy have been acknowledged.

Specification

The Abstract has been revised and shortened to one paragraph to avoid the criticism noted in sections 1 and 2 on page 2 of the Action.

Information Disclosure Statement

It is also noted with appreciation that the initial Action was accompanied by an initialed Form PTO-1449 showing consideration of the IDS that accompanied the application at filing.

It should also be noted that a Second Information Disclosure Statement, with fee, was submitted on March 5, 2003. Please consider and take into account the additional documents noted in that submission.

Section 112 rejections

Original claims 1 to 10 were rejected as allegedly being indefinite. Without necessarily agreeing that these claims as filed were incomplete in light of the preamble comment about an intended use, these claims are all amended in a way that is believed to avoid the criticism from the Examiner, thus mooting the section 112 rejections. Claim 1, for example, is restructured to refer to ablating corneal tissue of a patient's eye, with a newly-recited laser irradiating means, wherein the calculating means obtains ablation control data, and a control means is recited for

controlling an ablation amount of the corneal tissue based on the obtained ablation data.
Reconsideration of this rejection is in order.

Section 103 rejections

Claims 1 to 10 were initially rejected as being unpatentable over Amano et al in view of Lieberman. Without acquiescing in or necessarily agreeing with that rejection, claims 1 to 10 are amended in a way that is believed to distinguish over this combination, assuming that the combination were properly motivated.

Amano et al. (US 6,190,374) disclose an apparatus for operating upon a cornea for correcting not only hypermetropia or myopia but also presbyopia. As for its relation with the present invention, Amano et al. only teach a correction optical system for correcting myopia, hypermetropia and presbyopia, and a method of ablation by controlling the correction optical system.

Lieberman et al. (US 6,416,179) disclose a method for diagnosing, analyzing or treating a cornea. According to Lieberman et al., a moldable mask such as collagen is molded on the cornea with a contact lens having a posterior surface conforming to a corrected surface model of the cornea, and the corneal shape is corrected by ablating the masked cornea uniformly until all portions of the mask are removed. That is to say, the contact lens taught by Lieberman et al. is for forming a mask for uniform ablation, and optical characteristics of the contact lens is not utilized for determination of a pattern for correcting a patient's eye.

To the contrary, in the present invention, the patient's eye is subjected to a trial use of a contact lens corresponding to data on prescription provided to the patient's eye, and if the trial use of the contact lens results favorably, a pattern for correcting the patient's eye is determined based on optical characteristics of that contact lens.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Dated: June 17, 2003

Respectfully submitted,

By

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